

1 **ARIZONA DEPARTMENT OF WATER RESOURCES**

2 **BEFORE THE DIRECTOR**

3 **IN THE MATTER OF THE MODIFICATION**
4 **OF CHAPTER 5 OF THE MANAGEMENT**
5 **PLAN FOR THE PRESCOTT ACTIVE**
6 **MANAGEMENT AREA FOR THE THIRD**
7 **MANAGEMENT PERIOD FOR THE**
8 **PURPOSE OF ADDING A MODIFIED NON-**
9 **PER CAPITA CONSERVATION PROGRAM**

10 **ORDER OF PROMULGATION**

11 **I. INTRODUCTION**

12 On December 13, 1999, the director of water resources ("Director") adopted the
13 management plan for the Prescott Active Management Area for the third management period
14 ("Third Management Plan"). At the time the Third Management Plan was adopted, A.R.S. § 45-
15 566(A)(2) provided that the plan shall include a municipal conservation program that requires
16 large municipal providers to achieve reasonable reductions in per capita use unless they apply for
17 and are accepted for regulation under the Non-Per Capita Conservation Program ("NPCCP").
18 A.R.S. § 45-566.01 provided that the NPCCP shall require a large municipal provider accepted
19 for regulation under that program to implement specific conservation measures within its service
20 area and limit its groundwater use to a specified volume. Chapter 5 of the Third Management
21 Plan contains provisions consistent with these requirements, including a NPCCP in section 5-104
22 of the Municipal Conservation Requirements and Monitoring and Reporting Requirements.

23 Legislation enacted during the 2007 legislative session (S.B. 1557, herein referred to as
24 the "2007 Legislation") amended A.R.S. § 45-566.01 to provide that the Director shall modify the
25 NPCCP in the Third Management Plan to eliminate the groundwater use limitation requirement
26 and to require large municipal providers regulated under the program to implement a public
education program, a metering program and one or more additional water conservation measures
to be selected from a list of measures adopted in the plan. The Director is required to design the

1 modified NPCCP to achieve water use efficiency within the service areas of municipal providers
2 regulated under the program equivalent to the water use efficiency assumed by the Director in
3 establishing the per capita conservation requirements for those providers. The 2007 Legislation
4 requires all large municipal providers that are not designated as having an assured water supply to
5 submit a provider profile to the Director by July 1, 2009 and to be regulated under the modified
6 NPCCP beginning January 1, 2010 or the date the Director approves the provider's provider
7 profile, whichever is later. The 2007 Legislation further provides that a large municipal provider
8 designated as having an assured water supply shall not be regulated under the modified NPCCP
9 unless the provider elects to be regulated under the program.

10 **II. PROPOSED MODIFICATIONS**

11 To comply with the 2007 Legislation, the Director proposes to modify Chapter 5 of the
12 Third Management Plan in the manner shown in the document attached hereto entitled "Proposed
13 Modifications to Chapter 5, Municipal Conservation Program, Third Management Plan, Prescott
14 Active Management Area, January 2008." The following is a brief description of the proposed
15 modifications.

16 1. Section 5-104 of the Municipal Conservation Requirements and Monitoring and
17 Reporting Requirements is being modified in the manner required by the 2007 Legislation. As
18 required by the 2007 Legislation, all large municipal providers that are not designated as having
19 an assured water supply will be required to submit to the Director a provider profile by July 1,
20 2009 and begin complying with the modified NPCCP beginning January 1, 2010 or the date the
21 Director approves the provider's provider profile, whichever is later. A large municipal provider
22 designated as having an assured water supply will continue to be regulated under the conservation
23 program it was regulated under as of January 1, 2008, unless the provider notifies the Director
24 that it elects to be regulated under the modified NPCCP and submits a provider profile that is
25 subsequently approved by the Director. Section 5-104 as modified sets forth the requirements for
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1 submitting a provider profile. A large municipal provider may agree to be regulated under the
2 modified NPCCP earlier than January 1, 2010 if the Director approves the provider's profile prior
3 to that date.

4 2. Conforming changes are being made to other sections within Chapter 5 of the Third
5 Management Plan and to several appendices to Chapter 5.

6 3. Language within sections 5.4 and 5.4.1 of the Third Management Plan is being
7 modified to reflect recent amendments to the Department's Assured and Adequate Water Supply
8 Rules.

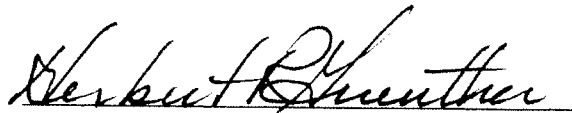
9 **III. ORDER OF PROMULGATION**

10 **IT IS HEREBY ORDERED:**

11 1. That the proposed modifications described in Section II above and shown in the
12 document attached hereto entitled "Proposed Modifications to Chapter 5, Municipal Conservation
13 Program, Third Management Plan, Prescott Active Management Area, January 2008," are
14 promulgated as proposed modifications to the Third Management Plan pursuant to A.R.S. § 45-
15 572.

16 2. That a public hearing on the proposed modifications shall be held at a location in
17 the Prescott Active Management Area. Notice of the public hearing shall be given as provided in
18 A.R.S. § 45-570.

19 GIVEN under my hand and the Official Seal of the Arizona Department of Water
20 Resources this 9th day of January, 2008.

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23 Herbert R. Guenther
24 Director
25 Arizona Department of Water Resources

26 (SEAL)